

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7951

BILL NUMBER: SB 577

DATE PREPARED: Jan 18, 1999

BILL AMENDED:

SUBJECT: Incarcerated children.

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that whenever a child is committed to an adult correctional facility or program, the Department of Correction shall restrict the child to an area of the facility or program where the child at all times has complete sight and sound separation from adults who are charged with, imprisoned for, or incarcerated for offenses. It applies regardless of whether the child is a criminal or a delinquent offender.

This bill prohibits a child from being confined to a county jail unless the child is restricted to an area of the county jail where the child at all times has complete sight and sound separation from any adult who is charged with or incarcerated for an offense. It requires the Department of Correction to enroll each: (1) criminal offender who is less than 18 years of age; and (2) delinquent offender who is committed to or a ward of the Department of Correction, in an appropriate educational program. It also makes an exception if the criminal offender received a sentence of death or life imprisonment without parole.

Effective Date: July 1, 1999.

Explanation of State Expenditures: The requirement that juveniles (17 years and under) incarcerated in adult DOC facilities be segregated from adult felons may cause administrative expense associated with space allocation in the ten DOC facilities where juveniles are initially placed. Juveniles incarcerated in DOC facilities are usually convicted of serious crimes (e.g. murder). In FY 97, 145 offenders under 18 years-of-age were sent to adult facilities (the average daily population is about 90 offenders).

This bill may place additional pressure on the DOC for capital construction of new facilities due to its current overcapacity. DOC will be completing construction on a facility with 1,400 new beds by the fall of 1999. Including all contracted and county jail beds, DOC adult male capacity in FY 2000 will be 16,256 with a projected population of about 18,000 beds (+11%). This includes DOC offenders currently serving time in county jails. DOC incarceration expenses range from \$11,000 to \$27,000 per offender and average about

\$20,500 annually. Expenses are based on total prison operating costs and the number of DOC offenders, but do not include costs for construction.

It is indeterminable, at this time, whether the mandatory education provision of this bill will require additional teaching staff and resources. (Information regarding the number of juvenile offenders *voluntarily* enrolled in educational programs is currently unavailable.) In FY 98, 1,509 offenders in DOC facilities completed education programs, including 125 associate and bachelors degrees, 758 GEDs and 107 high school diplomas.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified (As of December 31, 1998, DOC had 46 vacant positions.); (4) Funds that, otherwise, would be reverted; or (5) New appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Additional information will be provided as it is received.

Explanation of State Revenues:

Explanation of Local Expenditures: County jails may experience the expense associated with space allocation or alternative placements for those juveniles received who must be completely segregated from adult offenders.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: County jails.

Information Sources: Planning Division, Department of Correction; DOC 1998-99 Budget Request.